

SEP 15 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Civil Rights Violation Complaint Trial By Jury Demanded

6. Since the filing of the original Complaint in District Court, Plaintiff pulled his credit report on July 24, 2011, and discovered erroneous and inaccurate information entered

again in two credit reports, Experian and Equifax. One or both Defendants have entered an address showing the Plaintiff's home address as "1750 MONTGOMERY ST STE 139, SAN FRANCISCO, CA 94111-1003" (see EXHIBIT B). This address belongs to Plaintiff's attorney handling other matters for Plaintiff, and ratifies Plaintiff's claims in the original Complaint that Defendants' are entering erroneous and inaccurate information into Plaintiff's credit reports.

7. Plaintiff is now reporting to the Court this act, which may be a felony, which occurred during this litigation in District Court. Plaintiff in his original complaint complained about Defendants entering his credit reports on other occasions and entering erroneous and inaccurate information and failing to mark Plaintiff's credit reports in dispute. One or both Defendants did not have a permissible purpose to pull credit reports.

8. Discovery will clearly determine which of the two or both defendants have possibly committed a felony (entering a credit report during litigation) and violating FCRA 1681q, obtaining information under false pretenses. (U.S. Code Title 15 Chapter 41, subchapter III, 1681q - Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined under Title 18, imprisoned for not more than 2 years, or both). As supported with the following case law:

Rice v. Montgomery Ward & Co., Inc. 450 F. Supp. 688, 670-72 (M.D. N.C. 1978) (Defendant violates FCRA if it obtains a consumer report on Plaintiff after Plaintiff institutes an action against defendant. Such an inquiry is impermissible.);

Bils v. Nixon, Hargrave, Devans & Doyle, 880 P.2d 743 (Ariz. App. 1994) (improper to get report to discover information which might be used in litigation); Duncan v. Handmaker, 149 F.3d 424, 426-28 (6th Cir. 1998) (no legitimate business needs to obtain report to prepare for litigation); Bakker v. Mckinnon, 152 F.3d 1007, 1011-12 (8th Cir. 1998) (same);

Auriemma v. Montgomery, 860 f.2d 273, 279, 280-281 (7th Cir. 1998) (extra-judicial I investigation by attorneys improper; no privilege);

Mone v. Dranow, 945 F.2d 306, 308 (9th Cir. 1991) (obtaining credit report to investigate for purposes of litigation improper);

Boothe v. TRW Credit Data, 557 F. Supp. 66, 70-71 (S.D.N.Y. 1982); Rylewicz v. Beaton Services, Ltd., 698 F. Supp. 1391, 1400 n. 10 (N.D. Ill. 1988), aff'd 888F.2d 1175, 1181 (7th Cir. 1989); Houghton v. N.J.

1 Maunfacturer's Ins. Co., 795 F.2d 1144, 1149 (3d Cir. 1986) (obtaining report after litigation for use in litigation
2 improper).

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5 Dated: September 15, 2011

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